Waters:—Qualification of Voters in Irrigation Districts.—The Oregon statute,[1] which provides for the organization of irrigation districts, originally made no provision as to the qualifications of the electors in such districts. By recent amendments,[2] however, a voter is required to be a bona fide owner of land situated within the district. The objection was raised to this amendment that in thus establishing a property qualification for the voters of an irrigation district, it was in conflict wth Art. II, Section 2, of the Oregon constitution which provides that in "all elections not otherwise provided for, **every** white male citizen, 21 years of age" with certain residence qualifications shall be entitled to vote.

The Oregon Supreme Court in Board of Directors v. Peterson held[3] the amended act to be constitutional upon two grounds: First, because the elections contemplated by the constitution are only those relating to officers by whose actions all the people within the district are to be affected. Others than land owners have no interest in an irrigation district, as such, or in its financial management, nor a right to a voice in naming its officers. Second, because irrigation districts are quasi-municipal corporations. They lack one of the essentials of a strict municipal corporation,—the governmental function,—and are consequently not within the recognized rule that the constitutional qualifications for electors in municipal corporations cannot be limited by the legislature

Although the statute in question, which was patterned after the California statute,[4]—the so-called Wright Act,—has been adopted in nearly all of the western states, the same situation has hitherto come before only the Idaho court, where the decision[5] was opposite to that under comment. The Idaho court based its decision on the ground that the irrigation district is a municipal corporation and hence governed as to the qualifications of its electors by the constitutional provisons relating thereto. As authority for this statement, the Idaho court looked to the interpretation of the California statute put upon it by a decision of the Supreme Court[6] to the effect that an irrigation district is a "quasi-municipal or public corporation."

Although, as a matter of practice, all the voters within an irrigation district have, in California, been permitted to vote at its elections, it may be noted in support of the view taken by the Oregon court that the statement by the California court upon which the Idaho decision proceeds, has been modified by subsequent decisions. Irrigation districts and the similar western institutions—the Reclamation and Drainage Districts,—though called quasi-municipal corporations, are held not to be municipal corporations in the strict sense,[7] for, while they are

---

[1] Laws of 1895, pp. 13, L. O. L. 6168.
[2] Laws of 1911, pp. 378-404.
[3] (1912) 128 Pac. 837 (Ore.).
[4] Statutes (Cal.) 1897, p. 254.
[5] Pioneer District v. Walker, (1911) 20 Idaho 605, 119 Pac. 304.
[6] In re Madera Irrigation District, (1891) 92 Cal. 926, 28 Pac. 272, 14 L. R. A. 755.
[7] In re Werner, (1907) 129 Cal. 527, 62 Pac. 97.

public in the sense that they are engaged in a public work, they lack the other essential of a municipal corporation,—the function of local government.[8] Support is also lent to the first ground of decision in the Oregon case by a dictum of the California court in the case last cited. "Residents (in a district), as such, have no voice in the management of the corporation."[9]

It may be added that the case under comment appears to be in harmony with the Wright Act, (and those patterned after it), which make property qualifications a requirement for the directors of a district, for the signers of the petition for its organization, and for persons desiring to contest the same. A. R. G.

---

[8]People v. Reclamation District No. 551, (1897) 117 Cal. 114, 48 Pac. 1016.

[9] Id.